



INDIANA  
**WORKFORCE**  
DEVELOPMENT  
AND ITS **WorkOne** CENTERS

**TO:** Indiana's Workforce Investment System

**FROM:** Teresa L. Voors *TV*  
Commissioner, Indiana Department of Workforce Development

**THROUGH:** Dustin Stohler *DDS*  
Deputy Commissioner, Legal Affairs and Administration

**DATE:** November 21, 2008

**SUBJECT:** DWD Policy 2008-12  
Unemployment Insurance Overpayment Waiver Policy

**Purpose**

To set forth the guidelines for discretionary waiver of unemployment insurance benefit overpayments established on or after July 1, 2006

**Rescission**

DWD Policy 2006-02, issued August 3, 2006

DWD Policy 2006-03, issued August 3, 2006

**Content**

**Eligibility**

Unemployment insurance applications filed on or after July 1, 2006 will be subject to the following:

In accordance with IC §22-4-13-1(h), liability for repayment of benefits paid to an individual, other than an individual employed by a reimbursable employer, for any week may be waived upon the request of the individual only if all of the following criteria are met:

- (1) the benefits were received by the individual without fault of the individual;
- (2) the benefits were the result of payments made:
  - (A) during the pendency of an appeal before an administrative law judge or the review board under IC §22-4-17 under which the individual is determined to be ineligible for benefits; or
  - (B) because of an error by the employer or the department; and
- (3) repayment would cause economic hardship to the individual.

In order to establish economic hardship, the claimant must establish that the household income is below the current United States Department of Health and Human Services Poverty Guidelines.

### **Procedure**

#### ***Overpayment Waiver Request***

The claimant must request a waiver of overpayment by completing the Overpayment Waiver Request application. This application can be obtained from Indiana Department of Workforce Development's Benefit Payment Control by telephone, fax, or mail. **Claimants requesting a waiver application at a WorkOne office should be referred to Benefit Payment Control as well.**

#### ***Application Review***

All waiver applications must be transmitted to Benefit Payment Control for review. Applications must be legible, complete, and include all required documentation when submitted.

Applications will be reviewed according to the statutory criteria used for discretionary waiver of benefit overpayments, per IC §22-4-13-1(h) provided above. The claimant's financial situation will be assessed to determine whether repayment would cause an economic hardship.

Based on Benefit Payment Control's evaluation, it will recommend to grant or deny the claimant's waiver request. Recommendations will be made to Indiana Department of Workforce Development's General Counsel or his designee for final decision. The waiver decision will be communicated to the claimant by letter and cannot be appealed to an Administrative Law Judge for review.

#### ***Restrictions***

No Overpayment Waiver Request application will be considered for one year following the establishment of the overpayment or the completion of any appeals of the issue that caused the overpayment, whichever is later.

#### ***Requests filed prior to July 1, 2006***

Waiver requests made prior to July 1, 2006, will be processed according to the law applicable at the time.

#### **Contact Information**

Indiana Department of Workforce Development  
Benefit Payment Control  
10 North Senate Avenue  
Indianapolis, IN 46204  
Telephone: 317.233.5718  
                  317.233.4838  
                  317.233.4839  
Fax: 317.234.2932

#### **Review Date**

October 1, 2010

DWD Policy 2008-12

November 21, 2008

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**Ownership**

Indiana Department of Workforce Development

Benefit Payment Control

10 North Senate Avenue

Indianapolis, IN 46204

**Effective Date**

Immediately

**Action**

Any questions regarding this policy may be addressed to the Supervisor of Benefit Payment Control at 317.232.7490.